HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 17182 OF 2006

DATED: 4.9.2006

Between:

Smt. Kavati Venkatamma and others

… Petitioners

and

The District Collector, Warangal District
And others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 17182 OF 2006

ORAL ORDER:

The writ petition is misconceived and therefore is dismissed at the stage of admission.

The petitioners claim to be the legal representatives of protected tenants in respect of the lands described and specified in the writ petition. Under Section 40 of the A.P. (Telangana Area) Hyderabad Tenancy and Agricultural Lands Act, 1950 (for short 'the Act'), the Revenue Divisional Officer, Warangal is stated to have conferred rights of the protected tenants on the petitioners and directed the Tahsildar, Warangal to restore possession to them. Against those orders, some third parties are claimed to have preferred an appeal to the 1st respondent, who had rejected the appeal. A revision before this court in CRP No.6418 of 1980 preferred by the third parties was allowed on 22.11.1984 and the matter remanded to the RDO, to consider the matter afresh after giving opportunity to all the concerned. The RDO after an elaborate enquiry, by an order dated 24.7.1979, reaffirmed the earlier orders. Thereagainst, the 3rd parties are stated to have again appealed to the Joint Collector. The appeal is stated to have been dismissed on 5.3.1998. Even so the encroachers have not

been evicted is the complaint, in this writ petition.

In respect of such a grievance, the petitioners have a remedy under Section 32 of the Act. The petitioners may pursue that remedy. The writ petition is not the remedy of choice. It is accordingly dismissed with liberty to the petitioners to pursue the statutory remedy. No costs.

GODA RAGHURAM, J

Date: 4.9.2006
cvm